IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

SECOND APPEAL NO. 730 OF 2004

Smt. Sushilabai Bala Kshirsagar. ... Appellant.

V/s.

Shri. Balu Yeshwant Baravkar & Ors. ... Respondents.

Mr. S.M. Sabrad for the Appellant.
None for the Respondent.

CORAM : DR. D.Y. CHANDRACHUD,J.

11TH JULY 2007.

P.C. :-

. Both the Courts below have correctly come to the conclusion that the filing of a fresh suit was barred by Order XXIII Rule 4 of the Code of Civil Procedure, 1908, in view of the unconditional withdrawal of the earlier suit.

2. The appeal does not raise any substantial question of law and is accordingly dismissed.